

The State of South Carolina



Office of the Attorney General

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March 19, 1987

Representative Mickey Burriss
District No. 80 - Richland County
Post Office Box 9186
Columbia, South Carolina 29290

Dear Representative Burriss:

You requested an opinion whether it is constitutional for South Carolina Electric and Gas Company to operate a commercial construction company in its utility service area. We can find no constitutional provision which would prohibit such operation.

Article IX, §1 of the South Carolina Constitution states that "(t)he General Assembly shall provide for appropriate regulation of publicly owned utilities serving the public as and to the extent required by the public interest." There are no constitutional provisions that expressly regulate the conduct of business by an electric utility. This opinion does not address any rate-setting issues that may be presented in the context of the operation of a commercial construction company by a utility.

In conclusion, we can find no constitutional prohibition in the operation of a commercial construction company by an electric utility within its service area. However, such a business undertaking may present rate-making issues for the appropriate rate-setting authorities.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Eckstrom".

David C. Eckstrom
Assistant Attorney General

DCE/dac

REVIEWED AND APPROVED BY:

A handwritten signature in cursive script, appearing to read "Joseph A. Wilson, II".

Joseph A. Wilson, II
Chief Deputy Attorney General

A handwritten signature in cursive script, appearing to read "Robert D. Cook".

Robert D. Cook, Executive
Assistant for Opinion